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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,859	01/10/2002	Kiyohiko Uchida	1511.00004	8825

7590

07/02/2003

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/030,859

Applicant(s)

UCHIDA ET AL.

Examiner

Monique R Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/4
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 and 7 recite amounts for the various components in both weight percentages and weight parts rendering the claim unclear for there is no clear basis for the percentages or parts of the various components.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen et al (USPN 4,923,665.) Andersen et al teach a molded article comprising a body made from a moldable material such as concrete or concrete-like materials improved by applying a layer of metal to one or more surface parts thereof wherein the moldable composition comprises (A) homogeneously arranged solid particles such as silica dust of a size of from about 50 to about 0.5µm; (B) densely packed solid particles, preferably as cement particles, having a

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size of the order of 0.5-100 $\mu$ m and being at least one order of magnitude larger than the respective particles stated as (A); wherein A is present in a volume amount of 0.1-50% by volume based on the total of A and B; optionally (C) compact-shaped solid particles of a material having a strength exceeding that of ordinary sand and stone used for ordinary concrete in an amount of 1-90% by volume based on the total of A, B, and C; and further a polymer such as curable acrylic resin in an amount ranging between 0.1 and 35% by volume; wherein the moldable material may further comprise plasticizers in an amount of 1-4 wt%, surface-active dispersing agents in suitable amounts; and various fibers in an amount of 1-5%; wherein the amounts taught by Andersen et al would fall within the instantly claimed ranges (Abstract; Col. 2, line 8-Col. 4, line 29; Col. 5, lines 17-39; Col. 6, lines 1-52; Col. 6, line 65-35.) Andersen et al teach that the molded body may be formed by extruding the moldable material or pressing the moldable material into the desired shape, curing and further coating a layer of metal via vapor deposition, electroplating, plasma plating Col. 7, lines 54-68; Col. 9, line 1-Col. 10, line 49; Col. 11, line 1-Col. 12, line 21.)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. The teachings of Andersen et al are discussed above. Though Andersen et al teach amount

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that would fall within the instantly claimed weight parts/percentages, Andersen et al do not specifically limit the invention to the instantly claimed values. However, given that the amount of each component taught by Andersen et al is a result-effective variable affecting the physical and mechanical properties of the final molded product as taught by Andersen et al, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the optimum amounts of each component to provided based on the desired end use.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Hornaman et al (USPN 5,573,036; Col. 6, lines 18-25) or Takagi et al (USPN 4,560,413; Example 3) or Colombet et al (USPN 5,578,668; Col. 3, lines 39-50.) The teachings of Andersen et al are discussed above. Though Andersen et al teach various additives that fall within the instantly claimed term “moldability improver”, Andersen et al do not specifically teach the use of talc in the hydraulic composition. However, as evidenced by Hornaman et al or Takagi et al or Colombet et al, talc is a conventional additive utilized in polymer/cement composition and would have been obvious to one skilled in the art at the time of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

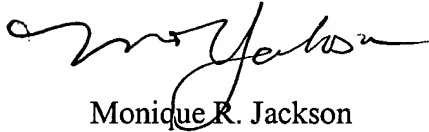
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'Monique R. Jackson', written in a cursive style.

Monique R. Jackson  
Patent Examiner  
Technology Center 1700  
June 29, 2003